

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

U.S. DISTRICT COURT
DISTRICT OF MAINE
PORTLAND
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2019 OCT -3 P 2:51

Wells Fargo Bank, N.A., as Trustee, on behalf
of the registered holders of Morgan Stanley
ABS Capital I Inc. Trust 2005-WMC4,
Mortgage Pass-Through Certificates, Series
2005-WMC4

Plaintiff

v.

William D. Cole

2:19-cv-00121-JDL

Defendant

Internal Revenue Service
Androscoggin Valley Council of Governments
Portfolio Recovery Associates, LLC
Maine Department of Labor - Bureau of
Unemployment Compensation Division of
Employer Services
Maine Revenue Services

Parties-In-Interest

DEPUTY CLERK

JUDGMENT OF FORECLOSURE AND SALE

Address: 127 School House Road, Oxford, ME 04270
Mortgage: December 30, 2004, Book: 3653, Page:85

This matter came before the Court for a testimonial hearing on Plaintiff's Motion for Default Judgment on October 1, 2019. Plaintiff, Wells Fargo Bank, N.A., as Trustee, on behalf of the registered holders of Morgan Stanley ABS Capital I Inc. Trust 2005-WMC4, Mortgage Pass-Through Certificates, Series 2005-WMC4, was present and represented by John A. Doonan, Esq. Defendant, William D. Cole, did not appear; Party-In-Interest, Internal Revenue Service did not appear; Party-In-Interest, Androscoggin Valley Council of Governments did not appear; Party-In-Interest, Portfolio Recovery Associates, LLC did not appear; Party-In-Interest, Maine Department of Labor - Bureau of Unemployment Compensation Division of Employer Services

did not appear; Party-In-Interest, Maine Revenue Services did not appear;

All persons interested having been duly notified in accordance with the law, and after hearing, the Plaintiff's Motion for Default Judgment is GRANTED. Count II - Breach of Note, Count III - Breach of Contract, Money Had and Received, Count IV - Quantum Meruit, and Count V - Unjust Enrichment are hereby **DISMISSED** without prejudice at the request of the Plaintiff. **JUDGMENT** on Count I - Foreclosure is hereby **ENTERED** as follows:

1. If the Defendant or his/her heirs or assigns pay Wells Fargo Bank, N.A., as Trustee, on behalf of the registered holders of Morgan Stanley ABS Capital I Inc. Trust 2005-WMC4, Mortgage Pass-Through Certificates, Series 2005-WMC4 ("Wells Fargo") the amount adjudged due and owing (\$123,644.95) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.S. § 6322, Wells Fargo shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing:

Description	Amount
Unpaid Principal Balance	\$102,440.82
Interest	\$11,720.42
Late Charges	\$53.85
Escrow Advances	\$5,195.27
Advance Balance	\$860.00
Interest on Advance	\$10.93
Attorney Costs and Fees Pd	\$3,363.66
Grand Total	\$123,644.95

2. If the Defendant or his/her heirs or assigns do not pay Wells Fargo the amount adjudged due and owing (\$123,644.95) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, his remaining rights to possession of the Oxford Property shall terminate, Wells Fargo shall conduct a public sale of the Oxford Property in accordance with 14 M.R.S.A. § 6323, disbursing the

proceeds first to itself in the amount of \$123,644.95 after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 5 of this Judgment, and in accordance with 14 M.R.S.A. § 6324. Wells Fargo may not seek a deficiency judgment against the Defendant pursuant to the Plaintiff's waiver of deficiency at trial.

3. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
4. The amount due and owing is \$123,644.95.
5. The priority of interests is as follows:
 - Wells Fargo Bank, N.A., as Trustee, on behalf of the registered holders of Morgan Stanley ABS Capital I Inc. Trust 2005-WMC4, Mortgage Pass-Through Certificates, Series 2005-WMC4 has first priority, in the amount of \$123,644.95, pursuant to the subject Note and Mortgage.
 - Androscoggin Valley Council of Governments who has been defaulted.
 - Internal Revenue Service who has fifth priority behind the Plaintiff pursuant to a Notice of Federal Tax Lien dated 10/26/2010, in the amount of \$7,180.68, plus statutory interest and penalties to date, and recorded in the Oxford County Registry of Deeds-Eastern in Book 4653, Page 30.
 - Portfolio Recovery Associates, LLC, who has been defaulted.
 - Internal Revenue Service who has seventh priority behind the Plaintiff pursuant to a Notice of Federal Tax Lien dated 07/26/2016, in the amount of \$8,874.66, plus statutory interest and penalties to date, and recorded in the Oxford County

Registry of Deeds-Eastern in Book 5295, Page 325.

- Internal Revenue Service who has eight priority behind the Plaintiff pursuant to a Notice of Federal Tax Lien dated 09/02/2016, in the amount of \$9,422.50, plus statutory interest and penalties to date, and recorded in the Oxford County

Registry of Deeds-Eastern in Book 5303, Page 677.

- Maine Department of Labor - Bureau of Unemployment Compensation Division of Employer Services, who has been defaulted.

- Internal Revenue Service who has the twelfth priority behind the Plaintiff pursuant to a Notice of Federal Tax Lien dated 11/23/2016, in the amount of \$10,186.58, plus statutory interest and penalties to date, and recorded in the Oxford County Registry of Deeds-Eastern in Book 5319, Page 556.

- Internal Revenue Service who has the thirteenth priority behind the Plaintiff pursuant to a Notice of Federal Tax Lien dated 01/11/2017, in the amount of \$5,167.29, plus statutory interest and penalties to date, and recorded in the Oxford County Registry of Deeds-Eastern in Book 5327, Page 513.

- Maine Revenue Services who has the fourteenth priority behind the Plaintiff pursuant to a Notice of State Lien dated 02/27/2017, in the amount of \$1,640.30, and recorded in the Oxford County Registry of Deeds-Eastern in Book 5333, Page 419. As of July 15, 2019, the amount presently due and owing of said lien is \$1,828.17, which includes additional interest.

- Internal Revenue Service who has the fifteenth priority behind the Plaintiff pursuant to a Notice of Federal Tax Lien dated March 28, 2017, in the amount of \$10,316.16, plus statutory interest and penalties to date, and recorded in the

Oxford County Registry of Deeds-Eastern in Book 5338, Page 629.

- Internal Revenue Service who has the has the sixteenth priority behind the Plaintiff pursuant to a Notice of Federal Tax Lien dated 01/03/2018, in the amount of \$10,569.51, plus statutory interest and penalties to date, and recorded in the Oxford County Registry of Deeds-Eastern in Book 5388, Page 343.

- Maine Revenue Services has the seventeenth priority behind the Plaintiff pursuant to a Notice of State Lien dated 09/17/2018, in the amount of \$3,290.60, and recorded in the Oxford County Registry of Deeds-Eastern in Book 5431, Page 86. As of July 15, 2019, the amount presently due and owing of said lien is \$3,632.28, which includes additional interest.

- William D. Cole has the eighteenth priority behind the Plaintiff.

6. The prejudgment interest rate is 5.24%, *see* 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is 8.59%, *see* 14 M.R.S.A. §1602-C.

7. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	Wells Fargo Bank, N.A., as Trustee, on behalf of the registered holders of Morgan Stanley ABS Capital I Inc. Trust 2005-WMC4, Mortgage Pass-Through Certificates, Series 2005-WMC4	John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 225D Beverly, MA 01915
DEFENDANT	William D. Cole 16 Mechanic Falls Road Oxford, ME 04270	Pro Se

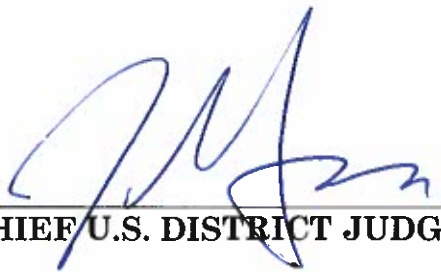
PARTIES-IN-INTEREST	<p>Internal Revenue Service Advisory Group 380 Westminster Street, 4th Floor Providence, RI 02903</p> <p>Androscoggin Valley Council of Governments 125 Manley Road Auburn, ME 04210</p> <p>Portfolio Recovery Associates, LLC</p> <p>Maine Department of Labor, Bureau of Unemployment Compensation, Division of Employer Services 47D State House Station Augusta, ME 04333-0047</p> <p>Maine Revenue Services</p>	<p>Ashley E. Eiler, Esq. Asst. U.S. Attorney United States Attorney's Office 100 Middle Street East Tower, 6th Floor Portland, ME 04101</p> <p>Pro Se</p> <p>c/o Law Offices of Howard Lee Schiff, P.C. 1321 Washington Avenue Portland, ME 04103</p> <p>Pro Se</p> <p>Kevin J. Crosman, Esq., Assistant Attorney General 6 State House Station Augusta, ME 04333</p>
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- a) The docket number of this case is No. 2:19-cv-00121-JDL.
- b) All parties to these proceedings received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 127 School House Road, Oxford, ME 04270, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 127 School House Road, Oxford, ME 04270. The Mortgage was executed by the Defendant on December 30, 2004. The book and page number of the Mortgage in the Oxford County Registry of

Deeds-Eastern is Book 3653, Page 85.

SO ORDERED.

Dated: October 3, 2019



CHIEF U.S. DISTRICT JUDGE